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QUOREX.011DV1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

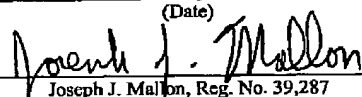
Applicant : Cooper et al.
Appl. No. : 10/676,770
Filed : October 1, 2003
For : ANTI-BACTERIAL AGENTS
BASED UPON OXOANION
BINDING
Examiner : Kevin E. Weddington
Group Art Unit : 1614

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October 7, 2004

(Date)


Joseph J. Mallon, Reg. No. 39,287**RESPONSE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants have received the Office Action mailed on September 22, 2004 ("Office Action"). Claims 1-9 are currently pending in this application.

Information Disclosure Statement (IDS)

Applicants acknowledge receipt of an initialed copy of the PTO-1449 form provided to the Office with the IDS filed on October 1, 2003.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,325,262 ("De Gray"). The Office recognizes that the claimed invention differs from De Gray in that De Gray does not disclose compounds of the structure (I) as recited in Claim 1. However, the Office has taken the position that "one skilled in the art would have assumed that all the compounds derived from the chemical core structure 1 of applicants' claim 1 obviously possess the same antimicrobial activity in the absence of evidence to the contrary."

Applicants respectfully traverse this rejection. The compositions disclosed by De Gray are amine salts of glycol borate compounds, *see* De Gray col. 1, lines 13-17. Applicants

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